

- U.S. Serial No. 10/807,227
Reply dated December 6, 2006

REMARKS

Claims 1-40 are pending in this application for reissue of U.S. Patent No. 6,271,278, which issued on August 7, 2001. This application is a continuation-in-part of U.S. Serial Number 08/416,269, filed April 4, 1995, now U.S. Patent No. 5,750,585. Reexamination and reconsideration are respectfully requested.

I. Claims 1-40 were rejected under 35 USC 102(a) as being anticipated by Hahnle et al. (DE 195 40 951, corresponding to US Patent 6,136,873).

The effective date of Hahnle et al. is presumed to be its "Offenlegungstag", i.e., May 7, 1997. The filing date of U.S. Patent 6,271,278, for which reissue is sought, is May 13, 1997. However, the claimed subject matter was invented in this country prior to the effective date of Hahnle et al. The Rule 131 Declaration of inventors Kinam Park, Jun Chen, and Haesun Park, submitted on July 19, 2006, sought to establish a date of invention prior to the effective date of Hahnle et al. However, the Action maintains that the Declaration did not meet the evidentiary requirements of MPEP 715.

The Rule 131 Declaration of the inventors submitted July 19, 2006 established that the original disclosure of the invention to the predecessor law firm, Lowe, Price, LeBlanc & Becker, was sent to them by courier on December 16, 1996. The

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same Declaration and the sworn Statement of James H. Meadows established that a final draft of the patent application was forwarded to Kinam Park for review on May 2, 1997.

Absent from the aforementioned Declaration was a copy of the actual invention disclosure document referenced therein. Accordingly, submitted herewith is a second Rule 131 Declaration of inventors Kinam Park, Jun Chen and Haesun Park, which identifies the attached document entitled "SYNTHESIS OF SUPERPOROUS HYDROGEL COMPOSITES WITH FAST SWELLING, HIGH MECHANICAL STRENGTH, AND SUPERABSORBENT PROPERTIES" (Exhibit A) as being the disclosure (sans Figures) sent to the law firm on December 16, 1996. Exhibit A plainly presents the subject matter disclosed and claimed in the instant application, including, *inter alia*, all 16 specific examples of the application. (see pages 9-15) Clearly, the claimed invention was conceived and reduced to practice in the U.S. prior to the effective date of Hahnle et al. Therefore, any basis for rejection of the claimed invention over Hahnle et al. is removed or overcome.

II. Claims 1-40 were rejected under 35 USC 102(b) as being anticipated by EP 0744435.

EP 0744435 is cited as teaching preparation of hydrogel composites in which the disclosed additives and agents "read on" the recited disintegrants of the claimed invention. However,

none of the disclosed additives and agents anticipates the recited disintegrants, as discussed hereinbelow.

Inclusion of a "dispersion stabilizer" is set forth at page 8, line 56 - page 9, line 26. However, none of the recited materials anticipates crosslinked disintegrants (type i/ii), non-crosslinked having a particulate shape (type iii/iv), or a porous inorganic material that provides wicking by capillary forces (type v).

Treatment of a formed resin with a "surface crosslinking agent" to increase the crosslink density in the vicinity of the surface is disclosed at page 11, line 29 - line 58. However, none of the listed materials anticipate any of the recited type i-v disintegrants.

Further inclusion of a "mixing assistant" is disclosed at page 12, line 50 - line 57. However, none of the disclosed materials anticipate any of the recited type i-v disintegrants.

Further treatment with a "cationic compound" to increase the surface crosslink density is disclosed at page 13, line 1 - line 19. However, none of the listed materials anticipate any of the recited type i-v disintegrants.

The addition of deodorant, perfume, etc., to impart various functions to the resin is disclosed at page 13, line 41 - line

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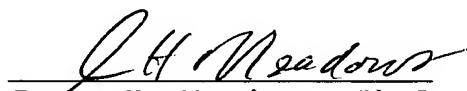
56. However, none of the listed materials anticipate any of the recited type i-v disintegrants.

As is evident from the above discussion, it is clear that EP 0744435 does not fairly contemplate any of the various types (i-v) of recited disintegrants. Hence, the cited reference does not teach or suggest the claimed hydrogel composite.

In view of the foregoing remarks and discussion, it is apparent that the application is in condition for allowance. A Notice of Allowability and reissue are solicited.

If, in the opinion of the Examiner, a telephone conversation could expedite prosecution, the Examiner is invited to telephone the undersigned attorney at the number given below.

Respectfully submitted,



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Attachment: Rule 131 Declaration of Kinam Park, Jun Chen and Haesun Park

CERTIFICATE OF MAILING

I, James H. Meadows, hereby certify that this paper is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date December 6, 2006 Signature: 